

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

GREG BALTIMORE)	
)	
v.	)	No. 3:06-0578
	)	Judge Echols
CITY OF FRANKLIN)	
GEORGE STANFORD)	
)	
v.	)	No. 3:06-0579
	)	Judge Echols
CITY OF FRANKLIN)	
RICK COTTON)	
)	
v.	)	No. 3:06-0580
	)	Judge Echols
CITY OF FRANKLIN)	
DARRYL JONES)	
)	
v.	)	No. 3:06-0807
	)	Judge Echols
CITY OF FRANKLIN)	
MICHAEL JONES)	
)	
v.	)	No. 3:06-0808
	)	Judge Echols
CITY OF FRANKLIN)	
ANTHONY PARSLEY)	
)	
v.	)	No. 3:06-0809
	)	Judge Echols
CITY OF FRANKLIN)	
STEPHEN GIBSON)	
)	
v.	)	No. 3:06-0810
	)	Judge Echols
CITY OF FRANKLIN)	

ORDER

Pending before the Court is the Report and Recommendation (“R&R”) of the Magistrate Judge entered in each of the above cases, which addresses each Plaintiff’s Motion to Consolidate

as follows:

No. 3:06-0578 (R&R-Docket Entry No. 13; Motion-Docket Entry No. 12)
No. 3:06-0579 (R&R-Docket Entry No. 15; Motion-Docket Entry No. 13)
No. 3:06-0580 (R&R-Docket Entry No. 16; Motion-Docket Entry No. 13)
No. 3:06-0807 (R&R-Docket Entry No. 11; Motion-Docket Entry No. 6)
No. 3:06-0808 (R&R-Docket Entry No. 10; Motion-Docket Entry No. 6)
No. 3:06-0809 (R&R-Docket Entry No. 10; Motion-Docket Entry No. 6)
No. 3:06-0810 (R&R-Docket Entry No. 11; Motion-Docket Entry No. 7)

These cases were filed by seven firefighters employed by the Franklin Fire Department alleging discrimination against the City of Franklin. The first three cases listed were filed in June of 2006 and have similar issues and timetables. The remaining four cases were filed in August of 2006 and have issues and timetables different from the first group. The Motions to Consolidate¹ request consolidation of all seven cases. However, at the Initial Case Management Conference held before the Magistrate Judge on October 16, 2006, the parties agreed, and the Magistrate Judge has recommended, that the seven should be consolidated into two groups for discovery and trial purposes as follows:

Group One:

No. 3:06-0578, Greg Baltimore v. City of Franklin
No. 3:06-0579, George Sanford v. City of Franklin
No. 3:06-0580, Rick Cotton v. City of Franklin

Group Two:

No. 3:06-0807, Darryl Jones v. City of Franklin
No. 3:06-0808, Michael Jones v. City of Franklin
No. 3:06-0809, Anthony Parsley v. City of Franklin
No. 3:06-0810, Stephen Gibson v. City of Franklin

The Magistrate Judge also recommends in his R&Rs that the trial for consolidated Group One (Nos. 3:06-0578, 0579, 0580) be scheduled for October 2, 2007, while the trial for consolidated Group Two (Nos. 3:06-0807, 0808, 0809, 0810) be scheduled for February 19, 2008.

The Court held a status conference on December 6, 2006, to determine the status of discovery and address any issues related to consolidation and the timely and efficient progression of these seven cases. The Court hereby rules as follows:

¹Counsel for the parties are the same in all cases seeking consolidation.

1. The Report and Recommendation (“R&R”) in each case is hereby ACCEPTED AND ADOPTED as modified. The above seven cases are hereby consolidated for discovery and trial purposes into the two groups as reflected on page two of this Order.

The R&R in each case is modified to reflect that the trial for consolidated Group One is scheduled for September 11, 2007, instead of October 2, 2007.

Accordingly, the Motion to Consolidate are GRANTED IN PART and DENIED IN PART. The Motions are GRANTED in that the cases are consolidated for discovery and pretrial purposes. The Motions are DENIED insofar as they request consolidation into one group. As previously stated, after the Motions were filed, the parties agreed that the cases should be consolidated into two groups as described herein.

2. **Group One:**

The Lead Case for consolidated Group One is No. 3:06-0578 and all future pleadings shall be captioned as follows and filed only in the Lead Case:

GREG BALTIMORE, ET AL.	)	CONSOLIDATED
	)	No. 3:06-0578
v.	)	No. 3:06-0579
	)	No. 3:06-0580
CITY OF FRANKLIN	)	Judge Echols

The Jury Trial for consolidated Group One is hereby rescheduled for **Tuesday, September 11, 2007, at 9:00 a.m.** The Final Pretrial Conference for Group One is hereby rescheduled for Monday, July 23, 2007, at 2:30 p.m.

The dates in the Initial Case Management Orders for Group One are hereby modified as follows:

- A. The deadline for the taking of depositions of fact witnesses is extended from January 12, 2007, to January 31, 2007.
- B. The deadline for filing dispositive motions is extended from May 4, 2007, to May 18, 2007, responses are due June 8, 2007, and replies (limited to ten pages) are allowed only upon approval of the Court.
- C. The trial dates shall be modified as provided herein.

All other dates in the Case Management Orders shall remain in full force and effect.

To minimize re-deposing witnesses, it was agreed at the Status Conference that those witnesses deposed for the trial of consolidated Group One would be questioned at their first deposition regarding cases in Group Two if such testimony was required for both trials.

3. **Group Two:**

The Lead Case for consolidated Group Two is No. 3:06-0807 and all future pleadings shall be captioned as follows and filed only in the Lead Case:

DARRYL JONES, ET AL.	)	CONSOLIDATED
	)	No. 3:06-0807
v.	)	No. 3:06-0808
	)	No. 3:06-0809
CITY OF FRANKLIN	)	No. 3:06-0810
	)	Judge Echols

The deadlines and dates in the Initial Case Management Order entered in the cases in Group Two shall remain as target dates, but may need to be revised at a later time. Therefore, the Jury Trial for consolidated Group Two is hereby scheduled for **Tuesday, February 19, 2008, at 9:00 a.m.** The Final Pretrial Conference is hereby scheduled for **Monday, January 14, 2008, at 2:30 p.m.**

3. **Status of Plaintiff Sanford:**

Plaintiff Sanford has filed a "Motion to Stay" (Docket Entry No. 16 in No. 3:06-0579) proceedings in his case pending the outcome of his medical treatment for emotional and psychological issues that render him unable to participate in the prosecution of his lawsuit. Mr. Allman, Plaintiff Sanford's counsel, was directed to contact Mr. Sanford's treating physician to obtain an official diagnoses and prognosis. Mr. Allman is hereby directed to advise the Court in writing as to Plaintiff Sanford's medical condition and whether Plaintiff is able to participate in the prosecution of his lawsuit.

4. **Motions to Compel:**

Plaintiffs Baltimore and Cotton filed Motions to Compel (with a joint statement of issues and interrogatories attached) which are pending before the Magistrate Judge. After a lengthy discussion of the motions at the status conference, this Court advised counsel for Plaintiffs to file

a brief motion requesting permission to ask an additional ten to twelve questions. Plaintiff filed motions in both cases, which the Magistrate Judge denied. The reasoning in the motions denied by the Magistrate Judge are the same as in the Motions to Compel. Accordingly, Plaintiffs' Motions to Compel (Docket Entry No 14 in No. 3:06-0578 and Docket Entry No. 17 in No. 3:06-0580) are hereby DENIED as moot.

These consolidated cases are hereby returned to the Magistrate for further proceedings consistent with Local Rule 16.01 to ensure that the cases are ready for trial as scheduled. The Magistrate Judge is directed to promptly resolve any discovery disputes in order to keep these cases on track.

The Clerk is directed to enter this Order in each of the above styled cases.

It is so ORDERED.

A handwritten signature in black ink, appearing to read "Robert L. Echols", written over a horizontal line.

Robert L. Echols
United States District Judge